

AMENDED IN ASSEMBLY APRIL 18, 2007

AMENDED IN ASSEMBLY APRIL 17, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1183

Introduced by Assembly Member Hancock

February 23, 2007

An act to amend Section 65962.5 of the Government Code, ~~and to amend Section 21084 of the Public Resources Code~~, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 1183, as amended, Hancock. Hazardous materials: Cortese list.

~~(1) Existing law prohibits a project that is located on a specified site list (Cortese list) from being exempted from the requirements of the California Environmental Quality Act (CEQA).~~

~~This bill would prohibit exempting from CEQA only a development project on that list that is intended for residential or other sensitive uses. By requiring a lead agency, which may include a local agency, to determine whether a project is intended for residential or other sensitive uses, this would increase the level of services provided by a local agency, thereby imposing a state-mandated local program.~~

~~(2)–~~

~~(1) Existing law requires the Department of Toxic Substances Control (DTSC) to compile, update annually, as appropriate, and submit to the Secretary for Environmental Protection a list of hazardous substance release sites and information received by DTSC regarding the unauthorized disposal of hazardous waste on public land that is owned by a city, county, or state agency. The State Water Resources Control~~

Board (board) is required to compile, update annually, as appropriate, and submit to the Secretary for Environmental Protection a list of all underground storage tanks with an unauthorized release report filed, all solid waste facilities where there is a migration of hazardous waste for which DTSC has been notified, and all cleanup and abatement orders concerning the discharges of hazardous materials into waters. The Secretary for Environmental Protection is required to consolidate the information submitted by DTSC and the board and to distribute the information to each city and county in which sites in the lists are located.

This bill would, instead, require DTSC to make available on its public Internet Web site a list of hazardous substance release sites that have yet to receive a final cleanup decision and a list of all land use restriction instruments and agreements required to be maintained and posted. The board would also be required to make available on its public Internet Web site a list of the above sites, facilities, and orders that have yet to receive a final cleanup decision. The board would also be required to make available on its public Internet Web site a list of all land use restriction instruments and agreements required to be maintained and posted. DTSC and the board would be required to ensure that the information made available is current and updated at least annually. The Secretary for Environmental Protection would be required to post appropriate links to the above information on its public Internet Web site and to notify each city and county of the available resources.

This bill would require DTSC and the board to provide telephone numbers and other means to provide the above information to people who do not have access to the Internet and would make conforming changes.

~~(3)–~~

(2) Existing law requires the State Department of Public Health to compile, update annually, and submit to the Secretary for Environmental Protection a list of public drinking wells containing detectable levels of organic contaminants. A local enforcement agency is required to compile, update annually, and submit to the California Integrated Waste Management Board a list of solid waste facilities with known migration of hazardous waste.

This bill would repeal these provisions.

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65962.5 of the Government Code is
2 amended to read:

3 65962.5. (a) The Department of Toxic Substances Control
4 shall make available on its public Internet Web site the following
5 lists:

6 (1) All hazardous waste facilities subject to corrective action
7 pursuant to Section 25187.5 of the Health and Safety Code.

8 (2) All land designated as hazardous waste property or border
9 zone property pursuant to Article 11 (commencing with Section
10 25220) of Chapter 6.5 of Division 20 of the Health and Safety
11 Code.

12 (3) A list of all instruments and agreements restricting land uses
13 required to be maintained and posted pursuant to Section 57012
14 of the Health and Safety Code.

15 (4) All sites listed pursuant to Section 25356 of the Health and
16 Safety Code that have not yet received a final cleanup decision.

17 (b) The State Water Resources Control Board shall make
18 available on its public Internet Web site the following lists:

19 (1) All underground storage tanks for which an unauthorized
20 release report is filed pursuant to Section 25295 of the Health and
21 Safety Code that have not yet received a final cleanup decision.

22 (2) All solid waste disposal facilities from which there is a
23 migration of hazardous waste and for which a California regional
24 water quality control board has notified the Department of Toxic
25 Substances Control pursuant to subdivision (e) of Section 13273
26 of the Water Code that have not yet received a final cleanup
27 decision.

28 (3) All cease and desist orders issued after January 1, 1986,
29 pursuant to Section 13301 of the Water Code, and all cleanup or
30 abatement orders issued after January 1, 1986, pursuant to Section
31 13304 of the Water Code, that concern the discharge of wastes
32 that are hazardous materials that have not yet received a final
33 cleanup decision.

1 (4) The list of all instruments and agreements restricting land
2 uses required to be maintained and posted pursuant to Section
3 57012 of the Health and Safety Code.

4 (c) The Department of Toxic Substances Control and the State
5 Water Resources Control Board shall ensure that the information
6 made available in subdivisions (a) and (b) is current and updated
7 at least annually and shall provide a telephone number or other
8 means to provide the information in subdivisions (a) and (b) to
9 anyone who does not have access to the Internet.

10 (d) The Secretary for Environmental Protection shall post on
11 its public Internet Web site a page with a comprehensive set of
12 links to the lists of information required by this section.

13 (e) The Secretary for Environmental Protection shall notify each
14 city and county of the availability of this resource, as well as the
15 Internet addresses and telephone numbers that are made available
16 pursuant to this section.

17 (f) Before a lead agency accepts as complete an application for
18 a development project which will be used by a person, the applicant
19 shall consult the lists that have been made available pursuant to
20 this section and shall submit a signed statement to the local agency
21 indicating whether the project and any alternatives are located on
22 a site that is included on any of the lists compiled pursuant to this
23 section and shall specify the list on which the site is found. If the
24 site is included on a list, and the list is not specified on the
25 statement, the lead agency shall notify the applicant pursuant to
26 Section 65943. The statement shall read as follows:

27 HAZARDOUS WASTE AND SUBSTANCES STATEMENT

28
29 The development project and any alternatives proposed in this
30 application are contained on the lists made available pursuant to
31 Section 65962.5 of the Government Code. Accordingly, the project
32 applicant is required to submit a signed statement that contains the
33 following information:

34
35 Name of applicant:

36 Address:

37 Phone number:

38 Address of site (street name and number if available, and ZIP
39 Code):

40 Local agency (city/county):

1 Assessor's book, page, and parcel number:
2 Specify any list pursuant to Section 65962.5 of the Government
3 Code:
4 Regulatory identification number:
5 Date of list:
6

7 _____
8 Applicant, Date
9

10 (g) The changes made to this section by the act amending this
11 section, that takes effect January 1, 1992, apply only to projects
12 for which applications have not been deemed complete on or before
13 January 1, 1992, pursuant to Section 65943.

14 ~~SEC. 2. Section 21084 of the Public Resources Code is~~
15 ~~amended to read:~~

16 ~~21084. (a) The guidelines prepared and adopted pursuant to~~
17 ~~Section 21083 shall include a list of classes of projects which have~~
18 ~~been determined not to have a significant effect on the environment~~
19 ~~and which shall be exempt from this division. In adopting the~~
20 ~~guidelines, the Secretary of the Resources Agency shall make a~~
21 ~~finding that the listed classes of projects referred to in this section~~
22 ~~do not have a significant effect on the environment.~~

23 ~~(b) A project that may result in damage to scenic resources,~~
24 ~~including, but not limited to, trees, historic buildings, rock~~
25 ~~outcroppings, or similar resources, within a highway designated~~
26 ~~as an official state scenic highway, pursuant to Article 2.5~~
27 ~~(commencing with Section 260) of Chapter 2 of Division 1 of the~~
28 ~~Streets and Highways Code, shall not be exempted from this~~
29 ~~division pursuant to subdivision (a). This subdivision does not~~
30 ~~apply to improvements as mitigation for a project for which a~~
31 ~~negative declaration has been approved or an environmental impact~~
32 ~~report has been certified.~~

33 ~~(c) A development project, as defined in Section 65928 of the~~
34 ~~Government Code, intended for residential or other sensitive uses,~~
35 ~~including, but not limited to, schools, hospitals, day care centers,~~
36 ~~or convalescent homes, that is located on a site which is included~~
37 ~~on a list compiled pursuant to Section 65962.5 of the Government~~
38 ~~Code shall not be exempted from this division pursuant to~~
39 ~~subdivision (a).~~

1 ~~(d) The changes made to this section by Chapter 1212 of the~~
2 ~~Statutes of 1991 apply only to projects for which applications have~~
3 ~~not been deemed complete on or before January 1, 1992, pursuant~~
4 ~~to Section 65943 of the Government Code.~~

5 ~~(e) A project that may cause a substantial adverse change in the~~
6 ~~significance of an historical resource, as specified in Section~~
7 ~~21084.1, shall not be exempted from this division pursuant to~~
8 ~~subdivision (a).~~

9 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
10 ~~Section 6 of Article XIII B of the California Constitution because~~
11 ~~a local agency or school district has the authority to levy service~~
12 ~~charges, fees, or assessments sufficient to pay for the program or~~
13 ~~level of service mandated by this act, within the meaning of Section~~
14 ~~17556 of the Government Code.~~